

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 4, and 8 have been amended to correct formal matters. Claims 11 and 15 include allowable subject matter. Claims 1-21 are pending in the application. No new matter has been added.

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dietzl (U.S. 6,292,316) in view of Bucska (U.S. 5,790,332). Applicants respectfully traverse this rejection.

Dietzl discloses a tester that includes a base plate 1, a positioning unit 2, a spindle 3, a head holder 4, and a measurement head 5 of a magnetic force microscope (MFM). In one embodiment (see Figure 1 of Dietzl), the measurement head 5 is fixed immediately on the head holder 4 of the tester. In another arrangement (see Figure 2 of Dietzl), the head holder 4 and the measurement head 5 are moved independently of one another. Dietzl fails to disclose or suggest a certification head for detecting magnetic defects in addition to a write head having a write element and a thermal asperity detector, as required by claims 1, 4 and 8.

Bucska fails to remedy the deficiencies of Dietzl as it relates to claims 1, 4, and 8. Although the rejection asserts that Bucska discloses the use of both a writing head and a certification head, Applicants submit that Bucska provides no such teaching or suggestion. With specific reference to column 2, lines 51-62 of Bucska (as noted by the Examiner), Bucska merely discloses reading and writing a first clock signal from/to a first clock track using a read/write circuitry. The read clock signal is analyzed by a controller to determine the number of clock pulses in the length of the gap in the first clock track. Bucska fails to disclose or suggest the use of a certification head or the combination of a write head that includes a write element and a thermal asperity detector and a certification head configured for detecting magnetic defects.

The rejection further asserts that it would have been obvious to modify Dietzl invention in order to provide two heads in order to optimize the recording of information. Applicants respectfully disagree. Neither Dietzl nor Bucska disclose or suggest the use of more than one head, in particular the use of a write head and a certification head having the limitations required

by claims 1, 4 and 8. Furthermore, neither Dietzl nor Bucska disclose or suggest writing a first data stream or a first data track with a write element located on a write head, scanning the data stream/data track for thermal asperities with a thermal asperity detector that is located on the write head, and reading the data stream/data track for magnetic defects with a certifier/certification head, as required by claims 1, 4 and 8. Therefore, Applicants submit that Dietzl and Bucska fail to disclose or suggest every limitation of claims 1-8. Withdrawal of the rejection is respectfully requested.

Furthermore, neither Dietzl nor Bucska disclose or suggest “wherein the thermal asperity detectors simultaneously scans the first data track for thermal asperity while the certification head detects for magnetic defects,” as required by claim 8. Not only do Dietzl and Bucska fail to disclose or suggest the use of a writing head and a certification head, these references fail to disclose or suggest simultaneously scanning for thermal asperities using a thermal asperity detector that is included with a write head and detecting magnetic defects using a certification head. Therefore, claim 8 is not obvious over Dietzl and Bucska for this additional reason.

The rejection sets forth at page 6 a discussion of claims 13 and 14 without reference to a specific rejection. Claims 13 and 14 were not included in the list of claims rejected under 35 U.S.C. § 103(a) sets forth at page 2 of the Office Action. Therefore, Applicants are uncertain as to the basis of the discussion related to claims 13 and 14 at page 6 of the Office Action. Because it appears that the rejection intended to use Dietzl as a basis for an obviousness rejection of claims 13 and 14, Applicants provide the following comments.

As discussed above, Dietzl fails to disclose or suggest both a write head and a read head in addition to a thermal asperity detector included in the write head. Furthermore, Dietzl fails to disclose or suggest separate support arms for each of the read head and the write head. Without such a disclosure or suggestion, it would not have been obvious for a person of ordinary skill in the art to modify the device disclosed by Dietzl in order to provide all of the limitations provided by claims 13 and 14. Therefore, Dietzl fails to disclose or suggest every limitation of claims 13 and 14.

Claims 12 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dietzl and Bucska and further in view of Smith (U.S. 6,154,335). Applicants respectfully

traverse this rejection. As discussed above, Dietzl fails to disclose or suggest every limitation of claims 8 and 14. Bucska and Smith fail to remedy the deficiencies of Dietzl as it relates to claims 8 and 14. Therefore, claims 12 and 17 are allowable for at least the reason they are dependent upon and allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dietzl and Bucska and further in view of Gill (U.S. 5,909,344). Applicants respectfully traverse this rejection. As discussed above, Dietzl and Bucska fail to disclose or suggest every limitation of claim 8. Gill fails to remedy the deficiencies of Dietzl and Bucska as they relate to claim 8. Therefore, claims 9 and 10 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

At the bottom of page 8 through the first full paragraph of page 9 of the Office Action, there is a discussion relating to the rejection of claims 16 and 18 based on Dietzl, Bucska and Gill. However, no grounds for rejection of claims 16 and 18 were set forth. Claims 16 and 18 were not listed in the rejection set in the 35 U.S.C. § 103(a) rejection set forth at the bottom of page 7 that included claims 9 and 10 as being unpatentable over Dietzl, Bucska and Gill. In view of this lack of clarity in the rejection of claim 16 and 18, Applicants respectfully request clarification of the discussion at pages 8-9. Because it appears that claims 16 and 18 were intended to be recited along with claims 9 and 10 at the bottom of page 7 of the Office Action, Applicants provide the following comments.

Dietzl and Bucska have been discussed above as failing to disclose or suggest every limitation of claim 14. Gill fails to remedy the deficiencies of Dietzl and Bucska as they relate to claim 14. Therefore, claims 16 and 18 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not concede the correctness of this rejection.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dietzl and Bucska and further in view of Spainger (U.S. 5,122,917). Applicants respectfully traverse this rejection. As discussed above, Dietzl and Bucska fail to disclose or suggest every limitation of claim 14. Spainger fails to remedy the deficiencies of Dietzl and Bucska as they relate to claim

14. Therefore, claim 19 is allowable for at least they are dependent upon an allowable base claim. Applicants do not concede the correctness of this rejection.

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dietzl and Bucska. Applicants respectfully traverse this rejection. As discussed above, Dietzl and Bucska fail to disclose or suggest every limitation of claim 14. Therefore, claims 20 and 21 are allowable for at least they are dependent upon an allowable base claim. Applicants do not concede the correctness of this rejection.

Applicants thank the Examiner for the indication of allowable subject matter in claims 11 and 15.


Applicants note that the Dietzl reference was not cited in a PTO form 892.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants attorney below at 612.371.5387.

Respectfully submitted,

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Date: 3-26-04


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